

## DETAILED ACTION

### *Response to Amendment*

This Notice of Allowability/Examiner's Amendment is responsive to applicant's remarks received on 01 July 2009. Claims 1-7, 9 and 12 are canceled. Claimed 15-20 are new. Claims 8 and 11 are amended and no new matter has been introduced.

### *Oath/Declaration*

1. Applicant is now required to submit a substitute declaration or oath to correct the deficiencies set forth: The spelling of the first inventor's name on the Oath/Declaration does not correspond with the name of the other documents in this application. According to the MPEP section 603, the applicant's representative or inventor is required to submit, a supplemental oath or declaration meeting the requirements of § 1.63 or § 1.162 to correct any deficiencies or inaccuracies present in the earlier filed oath or declaration. 37 CFR 1.67 (a)(2). Deficiencies or inaccuracies relating to fewer than all of the inventors or applicants may be corrected with a supplemental oath or declaration identifying the entire inventive entity but signed only by the inventor or applicant to whom the error or deficiency relates. The substitute oath or declaration must be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability" (PTO-37). Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136. Failure to timely file the substitute declaration (or oath) will result in **ABANDONMENT** of the application. The transmittal letter accompanying the declaration (or oath) should indicate the date of the "Notice of Allowance" (PTOL-85) and the application number in the upper right hand corner.

***Response to Arguments***

2. Applicant's arguments, see page 6, with respect to 35 U.S.C. 101, 35 U.S.C. 112 second paragraph rejections, have been fully considered and are persuasive. The 35 U.S.C. 101 and 35 U.S.C. 112, second paragraph rejections have been withdrawn.
3. Applicant's arguments, see page 6 with respect to "Claim Suggestions" have been fully accepted and amended. Currently Amended Claim 10 is accepted.
4. Applicant's arguments, see pages 8-11 with respect to Prior Art rejections, the remarks have been fully considered and are persuasive. The Prior Art rejections have been withdrawn.

***Allowable Subject Matter***

5. Claims 8, 10, 11, 13-20 are allowed. Claims 8, 10, 11, 13-20 have been renumbered as 1-11.

**EXAMINER'S AMENDMENT**

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Gerald Helget (Registration # 30,498) on 29 September 2009.

The application has been amended as follows:

In the Claims:

At claim 8, line 1, after "processor" and before "to"; replace "(or computer)" with --"or computer"--

At claim 8, line 5, after "taking" and before "an"; delete "of"

At claim 8, line 13, after "of" and before "particular"; delete "a", replace with --"the"--

At claim 8, line 14, after "and" and before "range"; delete "a", replace with --"the"--

At claim 8, line 17, after "range"; insert--"of values"--

At claim 11, line 2, after "the" and before "sensor"; insert --"fingerprint"--

At claim 11, line 14, after "and" and before "range"; delete "a", replace with --"the"--

At claim 13, line 1, after "a" and before "sensor"; insert --"fingerprint"--

At claim 14, line 1, after "a" and before "sensor"; insert --"fingerprint"--

At claim 15, line 1, after "processor" and before "to"; replace "(or computer)" with --"or computer"--

At Claim 15, line 5, after "the" and before "electrode"; insert --"transparent conductive impedance"--

At Claim 15, line 15, after "the" and before "impedance"; insert --"electrical"--

At claim 16, line 2, after "the" and before "sensor"; insert --"fingerprint"--

At claim 16, line 11, after "of" and before "particular"; delete "a", replace with --"the"--

At Claim 19, line 1, after "wherein" and before "step"; delete --"the"--

7. The following is an examiner's statement of *reasons for allowance*: The prior art references fail to at least teach or suggest "deducing from the particular characteristic thus measured, a range of values for the electrical quantity of the finger judged in principle acceptable using a relationship established between values of a particular characteristic of the

image and a range of said values of the electrical quantity of the finger judged acceptable; and validation of the living character of the finger when the measured electrical quantity belongs to the deduced range." In addition to at least those aforementioned limitations, the claimed invention produced unexpected results as detailed at page 11 of applicant's remarks.

8. New claims 15-18 and 19 and 20 are also allowable over the cited prior art. New claims 15-18 are allowable over the cited prior art for the reasons given above. New claims 19 and 20 are allowable because the cited prior art references fail to teach or suggest characteristics of the image used to determine a grad corresponding to the image based upon predefined impedance values.

### ***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mia M. Thomas whose telephone number is (571)270-1583. The examiner can normally be reached on Monday-Thursday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh M. Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew W Johns/  
Primary Examiner, Art Unit 2624

/Mia M Thomas/  
Examiner, Art Unit 2624